

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA * CRIMINAL NO: 15-CR-00223-01
*
VERSUS * DISTRICT JUDGE FOOTE
*
SHAWN D. DRIGGERS * MAGISTRATE JUDGE HORNSBY

**GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO MODIFY CONDITIONS OF RELEASE (DOC. 27)**

Now into Court, come the United States, through the United States Attorney for the Western District of Louisiana, who states in response and opposition to the Defendants Motion to Modify Conditions of Release, the following:

1.

Defendant requests the conditions of his release be modified and he complains that the Government has not provided reports concerning the Gingerbread house interviews of the children. The undersigned has no written report from Gingerbread House.

There is a U.S. Air Force report indicating what an OSI Special Agent was told about the Gingerbread House interviews and the substance of that information has been provided orally to defense counsel.

2.

The Government will provide this OSI report and the recordings of the children's interviews at Gingerbread House to the Court and the Defendant, but

request a protective order before such disclosure is made to the Defendant.

3.

In the present case, the Defendant is charged with a felony that involves a minor victim. 18 U.S.C. § 3142(e)(2)(E).

Title 18, United States Code, Section 3142(c) **Release on conditions**, lists the factors that the judicial officer shall consider in determining whether there are conditions of release that will reasonably assure the appearance of the person as required, and the safety of any other person and the community, and to determine the defendant's conditions of release on bond. These conditions include : “(v) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense.” Potential witnesses in this case are the wife of the Defendant and those children in the care of the wife (their mother) of sufficient age and competency to testify. Another condition is: “(vii) comply with a specified curfew.”

18 U.S.C. § 3142(g)(4) also has as a factor that the judicial officer consider, “the nature and seriousness of the danger to any person or the community that would be posed by the person’s release.”

4.

The present conditions of release should not be modified.

WHEREFORE, the Government prays that this response be found adequate and Defendant's motion be denied.

Respectfully submitted,

STEPHANIE A. FINLEY
United States Attorney

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C E R T I F I C A T E

I hereby certify that on this 24th day of June, 2016, a copy of the foregoing Government's Response to Defendant's Motion To Modify Conditions of Release (Doc. 27) was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Mr. H. Cameron Murray by operation of the Court Electronic Filing System.

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